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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,034	08/08/2006	Werner Agne	2002P15569WOUS	7805
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SIEMENS CORPORATION				
INTELLECTUAL PROPERTY DEPARTMENT				
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ISELIN, NJ 08830				
EXAMINER				
YAN, REN LUO				
ART UNIT		PAPER NUMBER		
2854				
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08/18/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/554,034

Applicant(s)

AGNE ET AL.

Examiner

Ren L. Yan

Art Unit

2854

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 12, 18, 22, 23, 29, 31 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 18, 22, 23, 29, 31 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3-11-2010 has been entered.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11, 12, 18, 22-23, 29, 31 and 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added limitations "configured to capture image data of a print mark", "to transmit the image data to the control unit" and a correction factor is calculated by the control unit "based on the image data" in claims 11, 29 and 31 do not find proper support in the specification as originally filed and thus constitute new matter. Since the original disclosure has no descriptions to support the above identified new limitations, the pending claims of this application are treated without these limitations.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12, 18, 22, 23 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kot (7,131,379) in view of DE 19723059 and Tokiwa (US 6,626,102).

With respect to Claim 11, Kot disclosed in Figs 1 and 2 and column 4 lines 17 - 26:

a printing press, comprising:

a print unit (3 – 7 and the image field including 8 and 9 in column 3 lines 57 - 58);

a drive unit (10 – 11) assigned to the print unit (3 – 7);

a control unit (19) for regulating the drive unit (10 – 11); and

a print mark measuring device and/or register mark measuring device and/or a register measuring device (13 wherein 13 registers all the image field in column 4 lines 13 - 14), wherein

the print mark measuring device and/or the register mark measuring device and/or the register measuring device (13) are directly connected to the control unit (12).

Kot does not teach the print mark measuring device and/or the register mark measuring device and/or the register measuring device comprises an evaluation unit and does not teach that a correction factor is calculated by the control unit to regulate the movement of the drive unit.

As discussed in pages 1 and 2 of the present specification, DE 19723059 disclose in a printing press with color register control wherein the register marks printed on the track are picked up by sensors and evaluated in a measurement head of the sensors.

Tokiwa discloses (Fig. 3 and column 16 lines 5 – 24): a correction factor $((Y_n + Y_4 - Y_3))$ proportional in line 7) is (can be) calculated (line 6) by the control unit (3) to regulate the movement (line 15) of the drive unit (41).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the printing press of Kot by including the evaluation unit in the measuring device as taught by DE 19723059 so as to predictably evaluate the register marks before sending the signals to the control unit thus speeding up printing registration control process. It would also have been obvious to a person of ordinary skill in the art at the time of invention was made to further modify the printing press of Kot and DE 19723059 by including the calculation of a correction factor in the control unit as taught by Tokiwa for the purpose of increasing the accuracy and speed in controlling the drive unit.

With respect to Claim 12, the modification/combination meets all the limitations of Claim 12 (Figs 1 and 2 and column 4 lines 17 – 26 of Kot):

the printing press, wherein the print mark measuring device and/or the register mark measuring device and/or the register measuring device are connected by a means for signal transmission (arrow from 13 to 18) to the control unit (12).

With respect to Claim 18, Kot, as modified by DE 19723059 teaches all that is claimed except for the print mark measuring device and/or the register mark measuring device and/or the

register measuring device being connected to the control unit by a field bus system or a serial link.

However Tokiwa also discloses (column 1 lines 51 – 54): a field bus system (line 53) is used to connect the components in the printing press.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of invention was made to further modify the printing press of Kot, as modified by including the field bus system for connection in the printing press as also taught by Tokiwa for the purpose of increasing the accuracy and speed in the connection of the measuring device and the control unit.

With respect to Claims 22, the applied prior art also meets the limitations of Claims 22 (column 1 lines 51 – 54 of Tokiwa): a field bus system (line 53) or a serial link is provided as means for signal transmission (receive in line 52).

With respect to Claim 23, the applied prior art teaches the limitations of Claim 23 for the reason above except for the control unit has a master functionality with regard to further drive units or with regard to further control units.

However Tokiwa discloses in Fig. 3 and column 7 lines 30 - 39: the control unit has a master functionality (1) with regard to further drive units or with regard to further control units (via the network line 5).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of invention was made to further modify the combination of Kot and DE 19723059 by including the master section as also taught by Tokiwa for the purpose of synchronously controlling the printing registration to improve printing quality.

With respect to claim 29, the above applied prior teaches the exact structure of a printing press as provided in the method steps as recited and the printing press as taught by the applied prior art would carry out the same method when it is operated under normal conditions.

Claims 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kot in view of Tokiwa.

With respect to Claim 31, Kot disclosed in Figs 1 and 2 and column 4 lines 17 - 26: a printing press, comprising:

- a print unit (3 – 7 and the image field including 8 and 9 in column 3 lines 57 - 58);
- a drive unit (10 – 11) assigned to the print unit (3 – 7), wherein the drive unit comprises an inherent motor and a power converter for processing a control signal coming from a control unit 12,

- the control unit (12) for regulating the drive unit (10 – 11), wherein the control unit comprising an integrated evaluation unit (18); and

- a print mark measuring device and/or register mark measuring device and/or a register measuring device (13 wherein 13 registers all the image field in column 4 lines 13 - 14), wherein the print mark measuring device and/or the register mark measuring device and/or the register measuring device (13) are directly connected to the control unit (12).

Kot may not teach that the drive unit(10-11) and the control unit (12) are integrated.

It has been held by the Court that simply making separate parts integral would only amount to a matter of obvious engineering choice that would have been obvious to those skilled in the art. In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) (A claim to a fluid

transporting vehicle was rejected as obvious over a prior art reference which differed from the prior art in claiming a brake drum integral with a clamping means, whereas the brake disc and clamp of the prior art comprise several parts rigidly secured together as a single unit. The court affirmed the rejection holding, among other reasons, “that the use of a one piece construction instead of the structure disclosed in [the prior art] would be merely a matter of obvious engineering choice.”) In the present application, since Kot teaches all of the required structural elements of the claimed invention, to merely make two of the structural elements integral without changing the functionality of these structural elements, separately or in whole, would have been obvious to those skilled in the art.

Kot does not teach that a correction factor is calculated by the control unit to regulate the movement of the drive unit and does not teach that the print mark measuring device and/or the register mark measuring device and/or the register measuring device are connected to the control unit by a field bus system or a serial link.

However Tokiwa discloses (Fig. 3 and column 16 lines 5 – 24): a correction factor $((Y_n + Y_4 - Y_3))$ proportional in line 7) is calculated (line 6) by the control unit (3) to regulate the movement (line 15) of the drive unit (41).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Kot’s printing press by including the calculation of a correction factor in the control unit as taught by Tokiwa so as to predictably result in increasing the accuracy and speed in controlling the drive unit.

Tokiwa also discloses (column 1 lines 51 – 54): a field bus system (line 53) is used to connect the various components in the printing press.

It would also have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Kot's printing press by including the field bus system for connection in the printing press as also taught by Tokiwa for the purpose of increasing the accuracy and speed in the connection of the measuring device and the control unit.

With respect to Claim 34, the combination teaches the limitations of Claim 34 for the reason above except the control unit has a master functionality with regard to further drive units or with regard to further control units.

However Tokiwa discloses in Fig. 3 and column 7 lines 30 - 39: the control unit has a master functionality (1) with regard to further drive units or with regard to further control units (via the network line 5).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Kot's printing press by including the master section as also taught by Tokiwa for the purpose of synchronously controlling the printing registration to improve printing quality.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L. Yan whose telephone number is 571-272-2173. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ren L Yan/
Primary Examiner, Art Unit 2854
Aug. 12, 2010